IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
WRIT PETITION NO : 16501 of 1994

Between:
Dr.Smt. Shanta Bai, W/o. Late Vasant Rao.
3-4-483, Lingampally, Hyderabad. .....
PETITIONER

AND

1 Municipal Corporation of Hyderabad, rep.by its Commissioner, M.C.H.Building, Tank Bund, Hyderabad.
2 Chief City Planner, MCH. Building, Tank Bund, Hyderabad.
3 V.Ramakrishna Reddy, C/o. P.V.Narayana Rao. 3-6-744, St.No.12, Himayathnagar, Hyderabad.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, particularly in the nature of Writ of Mandamus declaring the permit No.417/64 Letter No.141/TP3/93 dated 18/11/1993 sanctioned in favour of third respondent as illegal, arbitrary and violative of section 447 of the Hyderabad Municipal Corporation Act, 1955 and G.O.Ms.No.310 dated 11.05.1993 and set aside the same.

Advocate for the Petitioner: MR.D.SANJEEV KUMAR (not present).

Advocate for the Respondent nos.1 and 2 : MR.Ganta Rama Rao, S.C.for Municipal Corporation of Hyderabad.

For Respondent no.3: Mr.K.Raghuveer Reddy, Advocate.

The Court made the following :

O R D E R :

None for the petitioner.

Petitioner questions the grant of permit in favour of third respondent as violative of section 447 of the Hyderabad Municipal Corporation Act, 1955.

The learned counsel for respondent-corporation points out that a Civil Suit O.S.No.1597 of 1994 was filed by the petitioner against the third respondent before the 9th Junior Civil Judge, City Civil Courts, Hyderabad, wherein also the question of legality and validity of the permit is under consideration.

Filing of the suit appears to be the only cause for non-appearance on behalf of the petitioner.

The Writ Petition is, therefore, dismissed.

24.06.2004

Copy to:

1)The Commissioner, Municipal Corporation of Hyderabad Tank Band, Hyderabad.
2)The Chief City Planner, M.C.H.Building, Tank Band, Hyderabad.

3)Two CD copies.

DRK/TVR.